



CITY OF REDMOND
APPEAL APPLICATION FORM

(Staff Use Only)

File No: _____

Date Received: _____

Receipt No. _____

To file a land use appeal, please complete the attached form and pay the applicable appeal fee by 5:00 p.m. on the last day of the appeal period.

Form submission and payment must be by **PERSONAL DELIVERY** at City Hall 2nd Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, 15670 NE 85th Street. Contact the Office of the Hearing Examiner with process questions at 425-556-2191.

Standing to Appeal:

- **Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II)** - the project applicant, owner, or any person who submitted written comments (party of record) prior to the date the decision was issued may appeal the decision. The written appeal and the applicable fee must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00 p.m. on the 14th calendar day following the date of the decision.
- **Appeal to the City Council of a Hearing Examiner decision on an appeal (Type I or II)** - the project applicant, owner, City staff, or any party who appealed the department director's or Technical Committee's decision to the Hearing Examiner. The written appeal and the applicable appeal fee must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00 p.m. 10 business days following the expiration of the Hearing Examiner's reconsideration period.
- **Appeal to the City Council of a Hearing Examiner (or Landmarks and Heritage Commission) decision on an application (Type III)** - the project applicant, owner, City staff, or any person who established themselves as a party of record prior to or at the public hearing. The written appeal and the applicable appeal fee must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00 p.m. 10 business days following the expiration of the Hearing Examiner's (or Landmarks and Heritage Commission's) reconsideration period.

Should the appellant prevail in the appeal, the appeal application fee will be refunded (City of Redmond Resolution No. 1459). The appeal application fee will not be refunded for appeals that are withdrawn or dismissed.

City Council decisions may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

Please continue to page 2 to select your appeal type.

Please check the applicable appeal:

- ☐ Appeal to the Hearing Examiner of a SEPA decision *RZC 21.70.190(E)*. *(Please be sure to understand the type of SEPA appeal you are filing, and if a further appeal to the underlying action is needed.)*
- ☒ Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) *RZC 21.76.060(I)*
- ☐ Appeal to the City Council of a Hearing Examiner decision on an appeal (Type I or II) *RZC 21.76.060(M)*
- ☐ Appeal to the City Council of a Hearing Examiner (or Landmarks and Heritage Commission) decision on an application (Type III) *RZC 21.76.060(M)*

Section A. General Information

Name of Appellant: (1) Thomas Short, Jr. & Andrea Short, husband and wife;
(2) Hamid Korasani, P.E. of SAZEI Design Group, LLC

Address: (1) 540 8th Ave. SE, (2) 6608 110th Ave. NE

City: (1) Kirkland, (2) Kirkland State: (1) WA, (2) WA Zip: (1) 98033; (2) 98033

Email: (1) int.services@frontier.com; (2) hamidkorasani@yahoo.com

Phone: (home) _____ (work) (425) 214-2280 (Hamid) (cell) (425) 864-2076 (Tom);
(425) 864-2715 (Andrea)

Name of project that is being appealed: Tom Short Duplex

File number of project that is being appealed: DEVREQ-2017-00148/BPLN-2015-02128

Date of decision on project that is being appealed: March 3, 2017

Expiration date of appeal period: March 17, 2017

What is your relationship to the project?

☒ Party of Record ☒ Project Applicant ☐ Government Agency

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal (See page 1 above). Below, please provide a statement describing your standing to appeal, and reference all applicable City Code citations.

Appellants are the project Applicants, owners of the subject property, and parties of record.

See RZC 21.76.060(I)(2)(a) & (I)3.

Section B. **Basis for Appeal**

Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision:
Please see attached letter, dated March 16, 2017.

2. Please provide a concise statement identifying each alleged error of fact, law, or procedure,
 and how the decision has failed to meet the applicable decision criteria:
Please see attached letter, dated March 16, 2017.

If appealing a Hearing Examiner decision: Please provide the findings of fact or conclusions
(as outlined in the Hearing Examiner’s decision) which are being appealed:
Please see attached letter, dated March 16, 2017.

3. Please state the specific relief requested:
Please see attached letter, dated March 16, 2017.

4. Please provide any other information reasonably necessary to make a decision on the appeal:
Please see attached letter, dated March 16, 2017.

Do not use this form if you are appealing a decision on a:

- Shoreline Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(b)*)
- Shoreline Variance or a Shoreline Conditional Use Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(c)*)
- Hearing Examiner decision on a SEPA appeal (not an appealable action as successive appeals are not allowed *RZC 21.70.190(D)*)
- City Council approval or denial (must be appealed to Superior Court *RZC 21.76.060.Q*)



LAW OFFICE OF
SAMUEL A. RODABOUGH PLLC

SAMUEL A. RODABOUGH
ATTORNEY AT LAW
11820 NORTHUP WAY, STE. E200
BELLEVUE, WA 98005
(425) 440-2593
(425) 635-7799 (FAX)

March 16, 2017

Via Hand Deliver

Customer Service Center
c/o Office of the City Clerk/Hearing Examiner
City of Redmond
15670 NE 85th St.
Redmond, WA 98073-9710

Re: Appeal of Tom Short Duplex, DEVREQ-2017-00148

To whom it may concern,

This Firm represents appellants Thomas Short, Jr. & Andrea Short, husband and wife (collectively "Short"), and appellant Hamid Korasani, P.E. of SAZEI Design Group, LLC ("Korasani"), in this appeal. Short and Korsani are collectively referred to herein as the "Appellants." This appeal challenges a decision of the Technical Review Committee to deny a deviation pertaining to the undergrounding of utilities for the construction of a duplex on real property located at 13404 NE 100th St., Redmond, WA 98033 ("Subject Property"). The following letter is intended to be submitted with, and is hereby incorporated into, the accompanying City of Redmond Appeal Application Form ("Appeal Form"). The following paragraphs correspond to those set forth in the Appeal Form.

A. General Information:

1. The names, addresses, email addresses, and phone numbers of Appellants are as follows:

Thomas Short, Jr. & Andrea Short
540 8th Ave. SE
Kirkland, WA 98033
int.services@frontier.com
(425) 864-2076 (Tom)
(425) 864-2715 (Andrea)

Hamid Korasani, P.E.
SAZEI Design Group, LLC
6608 110th Ave. NE
Kirkland, WA 98033
(425) 214-2280
hamidkorasani@yahoo.com

Contact only through legal counsel

Contact only through legal counsel

2. The name of the project and file numbers for the project that is the subject of this appeal is as follows:

Tom Short Duplex, DEVREQ-2017-00148/BPLN-2015-02128

3. The Date of the decision that is the subject of this appeal, and the appeal deadline are March 3 and 17, 2017, respectively. A copy of the decision that is the subject of this appeal is attached hereto as **Exhibit A** (“Decision”).
3. Status of Appellants, RZC 21.76.060(I)(2)(b)(i).

Appellants Short are the project applicants, owners of the subject property, and parties of record. *See* RZC 21.76.060(I)(2)(a). *See* also RZC 21.76.060(I)(3) (stating that the “appellant...[and] owner(s) of property subject to the application” are parties to the appeal). Appellant Korasani is also a project applicant and party of record. As explained in greater detail below, Appellants are aggrieved by the Decision, as it incorrectly applies City Code and will result in the needless expenditure of potentially more than \$100,000 to underground the utilities, despite the fact that there is no demonstrable benefit to undergrounding for this project. Appellants are further aggrieved for the reasons set forth in the letter from Appellant Korasani to the City, dated January 27, 2017, attached hereto as **Exhibit B**, and incorporated herein by reference (“Engineer Letter”).

B. Basis for Appeal

1. Facts demonstrating how Appellants are adversely affected by the Decision. *See* RZC 21.76.060(I)(2)(b)(i)

The City’s Planning Commission File L120153: L120154-SEPA, dated June 13, 2013, promotes elimination of high cost burdens associated with relocating utility distribution lines underground as part of remodels or additions to existing single-family homes or construction of a new home on an existing lot. Here, the requirement to underground overhead utilities is contrary to applicable legislative intent. Furthermore, as explained in greater detail below, the City Code currently exempts new single-family homes and minor residential developments, such as the proposed project, from requirements to underground utility distribution lines along public rights-of-way. Here, because of the unique aspects of the Subject Property and the accompanying project, the requirement to underground utilities will result in a disproportionately high cost in relation to the value of the proposed structure to be constructed. Here, the cost of undergrounding the overhead lines, which may exceed \$100,000, far exceeds the typical range of costs for undergrounding utilities due to complexity of existing conditions and having to re-install three additional poles as described below and confirmed by Puget Sound Energy (PSE). Based on the existing conditions of the Subject Property, with respect to overhead utilities lines, incremental undergrounding of the existing aerial lines is not economically feasible, nor does it comply with applicable legislative intent.

Here, as confirmed by PSE, in order to underground overhead utilities lines, the power pole at the corner of 134th Ave. NE and NE 100th St. must be removed. Removal of this pole will require installation of three new poles at the edges of where the underground conversion will go as follows:

- A-One at the NW corner of the Subject Property;
- B- One at the SE corner of the Subject Property; and
- C- One on the other side of 134th Ave NE (west shoulder).

Therefore, the undergrounding of the overhead utilities and adding three additional poles creates congestion, obstructions, and causes safety hazards that are contrary to the sound engineering practices and the Appellants' desires. Installation of additional poles also creates obstructions, and damages to other surrounding properties. Approving the decision would avoid the aforementioned concerns and would better avoid aesthetic damage to other properties in the vicinity.

Moreover, this project is intended to provide comparably more affordable housing than most other sectors of the City. Accordingly, the additional construction costs occasioned by any mandatory undergrounding of utilities would result in a far more expensive housing product.

The City's comprehensive plan directs the City and project applicants to relocate new and existing utility distribution and service lines underground to promote aesthetics; safety and security; and environmental quality. Here, this intent would not be met by removing one utility pole and replacing it with the installation of three utility poles.

Moreover, the Subject Property is located within the RIN zone and is categorized as low traffic volume. There have been no known complaints on file related to the existing conditions of utility poles and associated components.

Additional facts demonstrating that my clients are adversely affected by the Decision are set forth in Engineer Letter, incorporated by reference herein. To summarize, the Decision requires the Applicants to underground utilities for the construction of a duplex in contravention of the City Code and applicable legislative intent. As explained below, this project should be exempt from the requirements of 21.17 RZC by the express terms therein. Moreover, the requirement to underground utilities for this project will result in the needless expenditure of upwards of \$100,000, despite the fact that there is no demonstrable benefit for undergrounding utilities for this specific project, and the RIN zone in which the Subject Property is located is intended to accommodate affordable construction methods and housing. Additionally, because of the unique aspects of this project, the undergrounding of utilities will ironically require the addition of several utility poles, which contravenes the very purpose of requiring the undergrounding of utilities under chapter 21.17 RZC. For these reasons, and as explained in greater detail below, the City should determine that the project is exempt from the requirements of 21.17 RZC by the express terms therein, or grant a deviation from the requirement to underground utilities, if such a requirement exists.

2. Concise Statement Alleging Errors of Fact, Law, and/or Procedure and the Applicable Review Criteria. See RZC 21.76.060(I)(2)(b)(ii)

The Technical Committee, and the Decision, erred by

- Concluding that the undergrounding of utilities is required for this project under chapter 21.17 RZC. Specifically, this project should be exempt from any requirement to underground utilities under chapter 21.17 RZC as the duplex that is the subject of the application (1) constitutes single-family housing under applicable Code provisions¹ and/or minor development, or (2) the duplex is not a “new commercial, industrial, or multifamily residential building,” among other arguments.
- Failing to consider, let alone address, the facts raised in the Engineer Letter, including but not limited to those facts that demonstrate that the purposes of undergrounding utilities, as set forth in RZC 21.17.020, would be thwarted if undergrounding is required for this project. Specifically, because of the unique circumstances of this project, undergrounding of utilities will actually result in a substantial net increase in the number of utility poles in the immediate vicinity. As such, the undergrounding of utilities will not (1) “[r]emove utility poles which are a hazard along streets,” or (2) “[i]mprove the appearance and aesthetics of public ways.” See RZC 21.17.020. Moreover, as a result of the substantial net increase of utility poles it is unlikely that undergrounding of utilities for this project will not (1) “[e]liminate safety issues cause by damaged overhead lines,” or (2) “[r]educe the number of service interruptions caused by storms.” *Id.*
- Failing to consider, let alone address, any applicable deviation approval criteria. In short, the Decision only addresses the threshold issue of whether the undergrounding of utilities is required by chapter 21.17 RZC. After erroneously concluding that the undergrounding of utilities is required by chapter 21.17 RZC, the Decision contains little or no analysis regarding whether the project merits the approval of a deviation other than to observe that other projects in the vicinity are scheduled to have underground utilities. This latter observation fails to account for the unique aspects of the Subject Property and the project itself, as set forth in the Engineer Letter, including the presence of a corner lot, the need for additional utility poles to underground the utilities, among others.
- The Decision omits any reference whatsoever to any applicable decision criteria. Nonetheless, to the extent any such criteria exist, the proposal meets the criteria for the reasons set forth in the Engineer Letter and the Decision fails to justify its denial by explaining why it doesn’t meet any applicable decision criteria.

¹ See e.g., RZC 21.08.360(A)(2) (defining “single-family housing” in the Residential Innovative Zone to include “smaller dwelling units such as a cottage, size-limited dwelling or duplex.”). Cf. RZC 21.08.070 (stating that the purpose of the RIN Zone is to “promote single-family housing” & RZC 21.08.070B (allowing duplexes as a permitted use in the RIN zone).

Although it does not appear that any applicable decision criteria are codified in City Code, the City does have a permitting bulletin on its website that references certain decision criteria for a deviation, namely the following:

- The deviation produces a comparable or improved result, which is in the public interest;
- The deviation meets requirements for safety, public health, function, fire protection, transit needs, appearance, maintainability, and any other criteria deemed relevant by the city;
- The deviation provides substantially equivalent (or improved) environmental protection as would be provided if the standard requirements were met;
- The deviation needs to reflect sound engineering practices;
- The deviation needs to avoid damage to other properties in the vicinity of and downstream of the proposal;
- Any deviation from the Standards that does not meet the Fire Code will require concurrence by the City Fire Marshal.
- As applicable for Overlake and Downtown RZC 21.76.070C Administrative Design Flexibility.

It is unclear if the above decision criteria apply to the requested deviation. Nor is it clear that the above criteria are codified anywhere in City Code. As such, the Appellants reserve the right to assert their inapplicability to this matter. Nonetheless, out of the abundance of caution, Appellants address these criteria.

The project meets the above criteria for the reasons set forth above and in the Engineer Letter, incorporated herein by reference.

Additionally, instead of creating a mere comparable result to undergrounding, allowing the utilities to remain above ground for this project will be a superior result, as there will be fewer power poles as discussed above. This result is also consistent with the intent of the RIN zone in which the Subject Property is located. In particular, legislative intent suggests that City Code is intended to promote the elimination of high cost burdens associated with relocating utility distribution lines underground as part of remodels or additions to existing single-family homes or construction of a new home on an existing lot.

Second, the deviation meets the requirements for safety, public health, function, fire protection, transit needs, appearance, maintainability, and any other criteria deemed relevant by the City. Again, because of the unique aspects of the Subject Property, which is situated on a corner lot, and unique aspects of this project, the undergrounding of utilities will not (1) “[r]emove utility poles which are a hazard along streets,” or (2) “[i]mprove the appearance and aesthetics of public ways,” as it will result in the installation of more utility poles. *See* RZC 21.17.020. Moreover, as a result of the substantial net increase of utility poles, the undergrounding of utilities for this project will not (1) “[e]liminate safety issues cause by damaged overhead lines,” or (2) “[r]educe the number of service interruptions caused by storms.”

Third, there is an environmental benefit to allowing the utilities to remain above ground. Specifically, fewer utility poles will be required, thereby saving natural resources and avoiding the harmful substances associated with preserving utility poles from the elements. Allowing the utilities to remain above ground will also avoid unnecessary grading of the Subject Property for the undergrounding, among other environmental benefits.

Next, as indicated above, and per the Engineer Letter, the request to leave the utilities above ground reflects sound engineering practices. The deviation will avoid damage to other properties in the vicinity of the proposal. Again, the addition of utility poles that would be occasioned by the requirement to underground the utilities would be unsightly and harm the aesthetics of the vicinity.

Finally, the remaining criteria regarding the Fire Code and specific districts with the City do not appear to apply.

3. Relief Requested. See RZC 21.76.060(I)(2)(b)(iii)

The Appellants respectfully request that the Hearing Examiner grant the appeal, and/or grant the appeal with modifications. See RZC 21.76.060(I)(4)(stating the scope of Hearing Examiner's authority to grant relief in an appeal). Specifically, the Appellants request that the Examiner conclude that the project is exempt from any requirement to underground utilities under chapter 21.17 RZC, or, if not exempt, grant a deviation allowing the utilities to remain above ground.

**4. Any Other Information Reasonably Necessary to Make a Decision on the Appeal.
See RZC 21.76.060(I)(2)(b)(iv)**

Appellants have no additional information at this time, but reserve the right to supplement their appeal as warranted by the circumstance.

Sincerely,

LAW OFFICE OF SAMUEL A. RODABOUGH PLLC



Samuel A. Rodabough
sam@rodaboughlaw.com

Exhibit A



March 3rd, 2017

Hamid Korasani
Sazei Design Group, LLC
6608 110th Ave Ne
Kirkland, WA 98033

Via Email: hamidkorasani@yahoo.com

Subject: Response to undergrounding overhead utilities Deviation Request (DEVREQ-2017-00148) for the for the Tom Short Duplex on Parcel No. 1246700231

Dear Mr. Korasani:

The City of Redmond received your letter dated February 15, 2017 requesting a deviation on undergrounding overhead utilities as required for your duplex project. The City of Redmond Technical Committee considered the deviation request and has decided to deny your request.

Per Redmond Zoning Code 21.17.020, undergrounding overhead utilities is required except for single-family house or minor residential development. The project is not a single-family house, nor a minor residential development, which is defined as remodeling or addition development. In addition, almost all the overhead utilities on 134th Ave NE have or scheduled to be underground except for your lot and the one to the North. Based on the above city code requirement and justification, the Technical Committee is requiring you to underground the overhead utilities along NE 100th Street and along 134th Avenue NE. Please work with Puget Sound Energy to have this work done. The PSE plans will need to be submitted to the City as a part of your frontage improvements plans for civil review.

The Technical Committee's decision may be appealed to the Hearing Examiner by filing an appeal with the Planning and Community Development Department within fourteen (14) calendar days of the date of the reconsideration decision. Appeal forms are available on-line at www.redmond.gov. A completed appeal form must be submitted by 5:00 p.m. on the last day of the appeal period.



Please do not hesitate to contact me if you have any questions.

Sincerely,

Paulette Norman, P.E.
Development Engineering Manager

Cc: Rob Crittenden, P.E., Traffic Operations Manager, Public Works
Don Cairns, P.E., Transportation Planning Manager, Planning
Min Luo, P.E., PTOE, PTP, Senior Transportation Engineer
Andy Chow, P.E., Senior Transportation Engineer
Colin Sherrill, Associate Engineer
Brittany Wise, Administrative Specialist

ExhibitB

SAZEI Design Group, LLC

6608 110th Ave. N. E.
Kirkland, WA. 98033

Tel: (425) 214-2280

January 27, 2017

Ms. Paulette Norman, P.E.
Development Engineering & Construction Manager
City of Redmond MS: 2SPL
15670 NE 85th Street
PO Box 97010
Redmond, WA. 98073-9710

Project: Building Permit Folder # BPLN-2015-02128
Owner: Tom and Andrea Short
Project Address: 13404 NE 100th Street Redmond, WA. 98033
Parcel # 1246700231—Zoning: RIN
Project Scope: Demolition of existing house & Construction of New Home

Subject: *Deviation Request to obtain approval to Leave "Overhead Power & Communication lines as existing and not to underground them".*

Dear Ms. Norman,

We are writing to seek administrative approval to exempt the above referenced project as a "Minor Residential Development" from requirements of undergrounding "Overhead Power & Communication Lines along public right-of-way as a part of the frontage improvements.

As we discussed during our meeting(s) and several follow ups with yourself, Steve Fisher, Colin Sherril, and Andy Chow, the "owner of this property" strongly feels that such high cost burdens of undergrounding the overhead lines along (2) street frontage is excessive and considered unfair for a single home owner to absorb such "WIDE SPREAD COST" when developing his site to build a family home; furthermore, installation of three additional poles would be required due to existing configuration of the overhead utilities which creates more obstacles undermining the original goals on undergrounding such lines. Project proposes construction of a Family duplex that is located on an existing single-family corner lot and is not to be subdivided. The following narrative will describe the nature of the request for this deviation:

Description of Deviation

The request for this deviation is to exempt the requirements for undergrounding utility lines along the TWO public right-of-ways of this project due to increasing complexities by having to install (3) additional power poles, deterring from aesthetic goals, minimizing public safety, and the high cost burdens for the proposed minor residential development.

Property owner has been advised that as a part of the frontage improvement package, the overhead distribution lines along 134th Ave NE and NE 100th Street need to be undergrounded

for constructing their NEW home on existing residential lot. This deviation and the related supporting documents are in reference to City of Redmond Comprehensive Plan (UT-14; UT-15) and Redmond Zoning Code (RZC 21.54). Redmond Zoning Code section (RZC 21.54.020(B)(1) clearly indicates exemption for minor residential facilities and single family residence. Frontage improvements along 134th Ave NE in front of this subject property have been partially constructed by the previous development to the North. Along the South property line, there is currently no ditch or side walk on NE 100th street; however the owner is committed to provide street frontage improvement including: sidewalk, drainage ditch, landscaping, etc. Upon approval of this deviation, plans for street frontage improvements per standards of City of Redmond will be submitted for permit.

I. PROJECT SUMMARY

File Number: Building Permit Folder: BPLN-2015-02128

Location of 13404 NE 100th Street, Redmond, Washington 98033

Property: Identified by King County Assessor tax parcel number 1246700231

Zoning District: RIN—Willows/Rose Hill Neighborhood

Description of City of Redmond Zoning Code requires this

Application: deviation to exempt the undergrounding the utility lines

II. EVALUATIONS & FINDINGS OF FACT

- Redmond Zoning Code requires street improvements for all new construction including single-family residence. Street improvements depend on existing conditions. Generally, improvements consist of constructing ½ street improvements that may include curb, gutter, ditch, planter strip, sidewalks, storm drainage, streetlights, and undergrounding overhead utilities.
- City of Redmond Zoning Code currently exempts new single-family homes and minor residential developments (This project is considered minor residential development) on existing lots from requirements to bury utility distribution lines along public right-of-way. This type of development will still be required to underground service lines within the site to the connection point at the utility pole. The main reason for approving this exemption that was initiated by Planning Commission and the City Council in 2011, is in response to observations that minor residential development, can be burdened with disproportionately high costs relating to utility undergrounding. Typical costs for undergrounding utility distribution lines, as part of a new construction of this type of minor residential development, may range from \$30,000 to \$65,000, which can be a large portion of the overall project cost of undergrounding the entire corridor. The cost of undergrounding the overhead lines in front of this property far exceeds the range of costs indicated above due to complexity of existing conditions and having to re-install three additional poles as described below and confirmed by Puget Sound Energy (PSE) engineering department.

- In order to underground overhead utilities lines, the power pole at the corner of 134th Ave NE and NE 100th Street needs to be removed as confirmed by PSE. Removal of this pole will require installation of three new poles at the edges of where the underground conversion will go as follows:
A-One at the NW corner of this lot
B- One at the SE corner of this lot
C- One on the other side of 134th Ave NE (West shoulder)
Due to the new development on the south side of this property, an additional power pole has since been installed which also needs to be removed as a result of this overall conversion (Please refer to email from PSE dated January 4th and photo exhibit "A")..
- Prior to September of 2016, there was ONLY ONE power pole located at the Northeast corner of 134th Ave NE and NE 100 Street. We discovered that the trees were cut/trimmed and a NEW Power Pole had been installed along the west side of the subject property on 134th Ave NE . We contacted PSE and Frontier to find out about this new pole and we were told that the new pole was installed because the plat under construction to the south of this property needed to remove a guy pole on their side of the street; as a result a new pole needed to be installed on our side of the street making the undergrounding for this property even more complex and with added costs. (Please refer to email from PSE dated January 24th and photo exhibit "B").
- Based on the existing condition of this site with respect to overhead utilities lines, incremental undergrounding of the existing aerial lines is NOT economically feasible nor is it satisfactory to the global intent of the City of Redmond program. The property owner recognizes the benefits of this program and is committed to participate in the overall undergrounding of aerial lines as part of any area wide effort undertaken by either the City of Redmond or the Puget Sound Energy.
- It should also be noted that street improvements along 134th Ave NE has been recently done and undergrounding existing aerial lines at this point would require removal of newly constructed frontage.
- Proposed development will provide Street lighting (If Required) as a part of the street frontage development that enhances the vehicular traffic and safety of pedestrians.
- City of Redmond comprehensive plan directs the City and Private developers to relocate new and existing utility distribution and service lines underground to promote aesthetics; safety and security; and environmental quality; the ultimate goal of this program can NOT be achieved since removal of "ONE" pole would require installation of "THREE" additional poles contrary to the global intent of this program.
- This site is located within the residential area and is categorized as low traffic volume; there have been "NO" complaints on file related to the existing conditions of utility poles and associated components.
- It should also be noted that the owner of this property is intended to occupy the entire faculty as a single residence after completion of construction.

III. CONCLUSIONS, RECOMMENDATIONS & IMPROVEMENTS

We are proposing the following alternates/improvements to compensate for the above listed deviation:

- This Project proposes to develop the frontage street improvement along both 134th Ave Ne and NE 100th Street.
- To further enhance the vehicular and pedestrians safety, street lighting (if Required) is being proposed under this development.
- Additional Handicap access and ramp will be provided at the intersection of 134th Ave Ne and NE 100th Street.
- Pedestrian access will be improved by constructing new sidewalks on both streets and around the corner of 134th Ave NE and NE100th Street
- Project proposes to install new drainage ditch along NE 100th Street as a part of the frontage improvements; this will also clean up several drainage catch basins along NE 100th Street.
- Owner agrees to provide additional traffic signage to improve the traffic safety (If needed).
- Concrete crosswalks, per the City of Redmond Standard Details, will be installed along both streets as a part of the street improvement permit.

Material(s) submitted with this request include:

- a. Proposed alternates letter (this Letter)
- b. Copy of the City of Redmond code reference
- c. Architectural Site plan
- d. Photo Exhibits “A”, “B”.
- e. Copy of email from PES, Puget Sound Energy engineer
- f. Copy of email by Andy Chow, City of Redmond Public Works Department

We trust that this letter sufficiently addresses the request for exempting the overhead utilities so the construction of proposed residential facility can commence. If you have any questions regarding the work proposed or require further clarifications, please feel free to contact me at (425) 214-2280, or via e-mail at hamidkorasani@yahoo.com . Your swift response to this matter is greatly appreciated.

Sincerely,

SAZEI Design Group, LLC

hamid korasani

Hamid G. Korasani, P. E.
Principal



Johnson, Mike - Transmission <Mike.Johnson@pse.com>

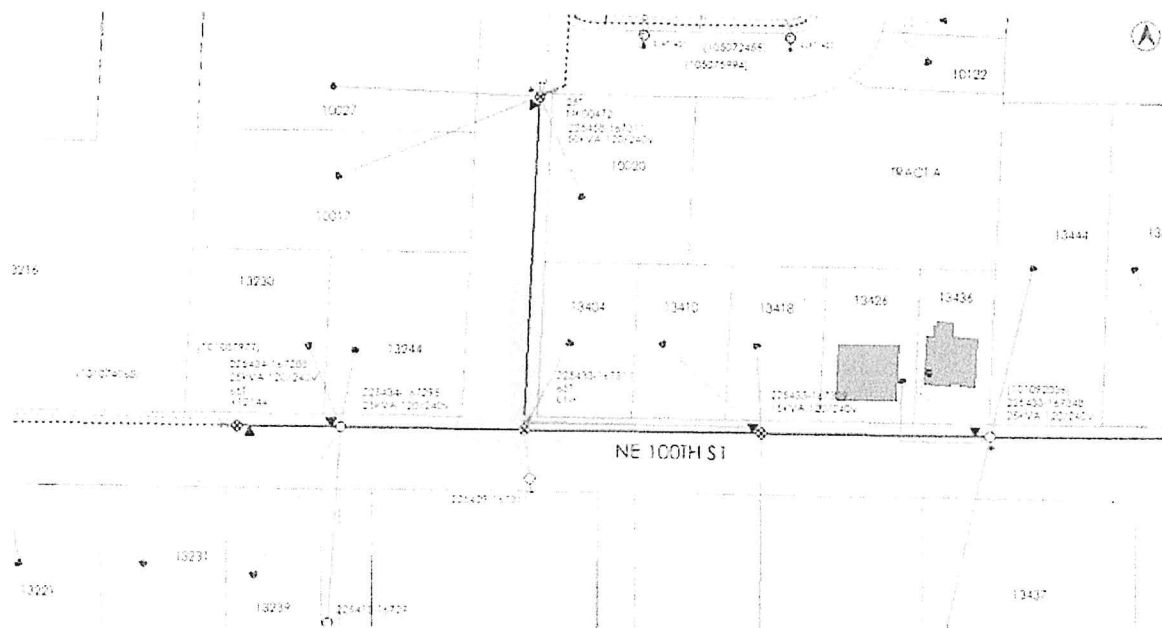
To

hamidkorasani@yahoo.com

Jan 4 at 10:40 AM

Hi Hamid,

Below is a map of the overhead lines you would likely be responsible for converting underground if you redevelop your property at 13404 NE 100th St. While I cannot scope the project until an application is submitted and I've visited the site, typically in a project like this we would remove the pole at the corner of 134th and NE 100th St, and then set three new poles at the edges of where the underground conversion will go (one at the NW corner of your lot, one at the SE corner, and one on the other side of 134th).



Please let me know if you have any questions.

Thanks

Mike Johnson

Engineer

Customer & System Projects, PSE

Office: (425)462-3710

Cell: (206)430-0149

michael.johnson@pse.com

EXHIBIT "A"

NEW POLE ADDED (NOV. 2016)
PSE - 225445
167 291



EXHIBIT "A"

TREES - CUT & TRIMMED BY PSE

NEW GUY POLE
INSTALLED
NOVEMBER
2010



EXHIBIT "A"

Print - Close Window - Click More at the bottom of the email to print single message

Subject: RE: Power OH/UG Conversion on NE 100th St
From: Johnson, Mike - Transmission (Mike.Johnson@pse.com)
To: hamidkorasani@yahoo.com;
Cc: Erik.Guerra@pse.com;
Date: Tuesday, January 24, 2017 2:04 PM

Hi Hamid,

Erik was able to find out some more about the new pole near your property. It was installed because the plat under construction to the south of your property needed to remove a guy pole on their side of the street. Because that pole needed to be removed, a new pole needed to be installed on your side of the street.

Please let me know if you have any questions.

Thanks

Mike Johnson

Engineer

Customer & System Projects, PSE

(425)462-3710

michael.johnson@pse.com

EXHIBIT "B"

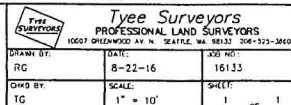
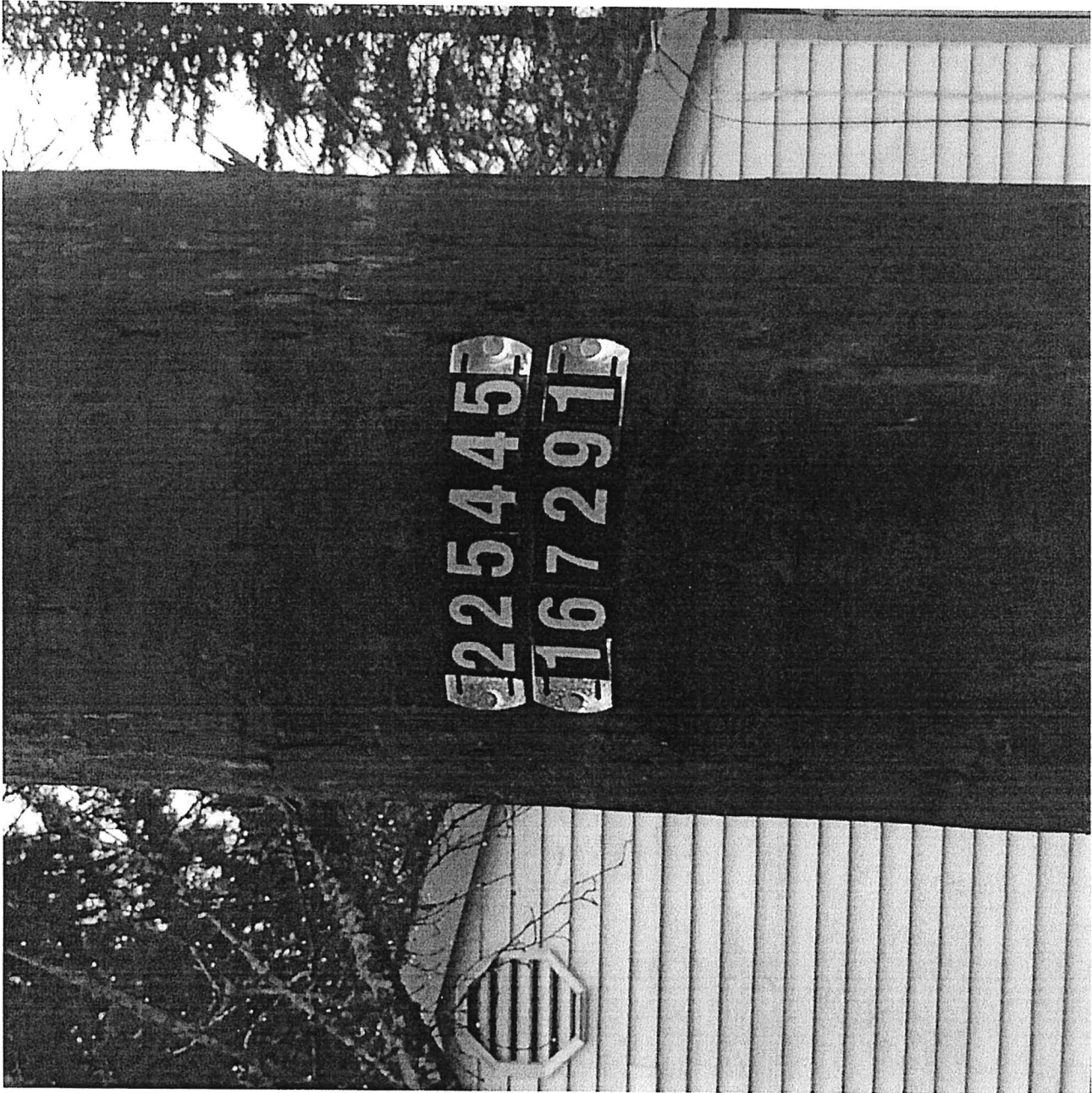
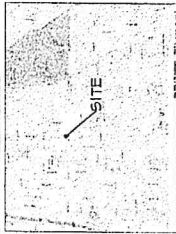


Exhibit "B"





VICINITY MAP



ADDRESS
8404 NE 100TH ST
REDMOND WASHINGTON 98053
PARCEL NUMBER
134100231

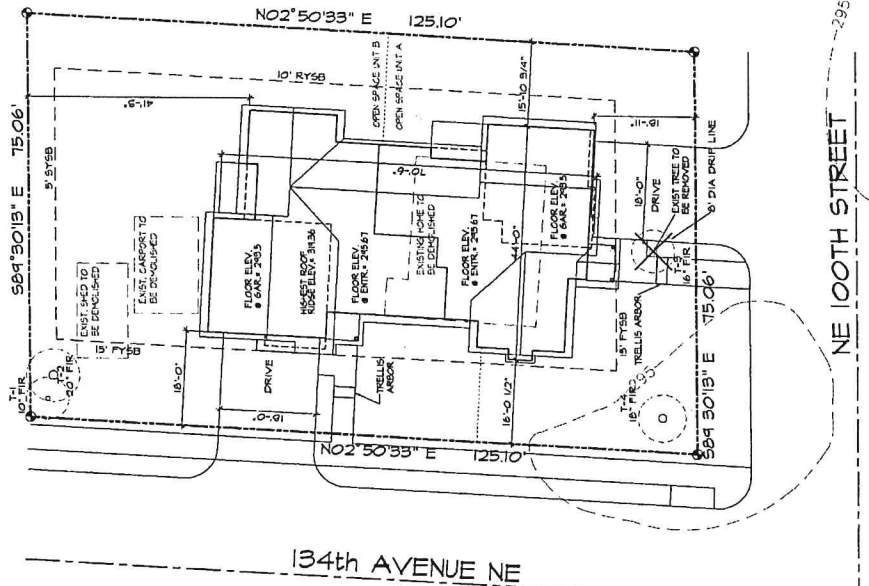
SITE/LEGAL DESCRIPTION
THE WEST 15 FEET OF THE SOUTH 125 FEET IN
BLOCK 84 OF BURKE AND FARRAR'S KIRKLAND
TRACT, KIRKLAND, WASHINGTON, AS SHOWN ON
AS PER PLAT RECORDED IN VOL. 35 OF PLATS,
PAGE 26 INCLUSIVE, RECORDS OF KING COUNTY.

LOT COVERAGE
STRUCTURES
TOTAL AREA: 9,491.40 S.F.
TOTAL GARAGE AREA: 2,434.00 S.F.
TOTAL AREA: 11,925.40 S.F.
35% ALLOWED

IMPERVIOUS AREA
LOT AREA: 9,491.40 S.F.
HOUSE/GARAGE AREA: 2,434.00 S.F.
DRIVE/PATIO AREA: 183.00 S.F.
TOTAL AREA: 2,617.40 S.F.
60% ALLOWED

OPEN SPACE
LOT AREA: 9,491.40 S.F.
OPEN SPACE REQ'D (20%): 1,898.28 S.F.
OPEN SPACE UNIT A: 3,593.12 S.F.
OPEN SPACE UNIT B: 3,593.12 S.F.

F.A.R.
BUILDING AREA
TOTAL FLOOR AREA
TOTAL LOT COVERAGE
TOTAL LOT COVERAGE
ALLOWABLE GROSS FLOOR AREA (GFA):
ALLOWABLE GROSS FLOOR AREA (GFA):
PERCENTAGE OF LOT AREA: 44.21%



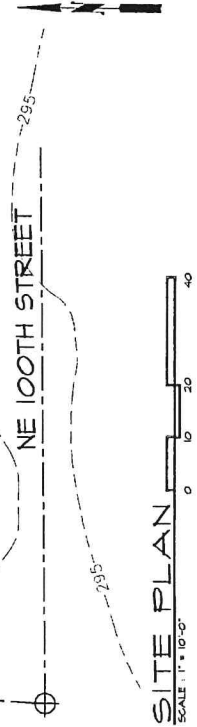
SITE PLAN
SCALE: 1" = 10'-0"

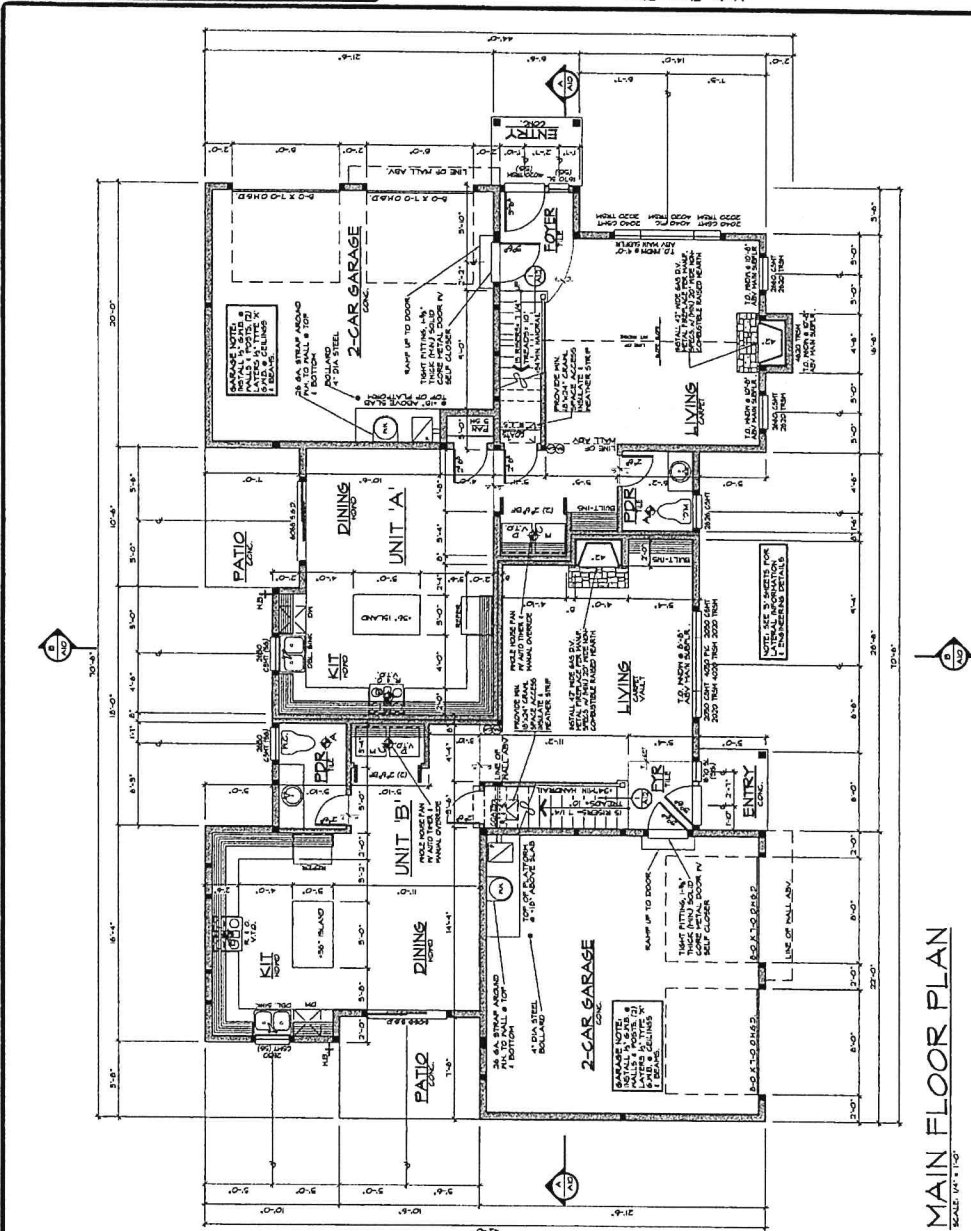
TOM SHORT Duplex			
13424 NE 100th Street, Redmond, WA 98053			
SIGNIFICANT TREES			
No.	Diameter	Species	Tree with site interior
T-1	10"	Doug Fir	1.0
T-2	20"	Doug Fir	1.0
T-3	18"	Doug Fir	1.0
T-4	18"	Doug Fir	1.0
TOTAL			4.0

HEIGHT CALCULATION

WALL	WALL	REPORT	PRODUCT
SEGMENT	LENGTH	ELEVATION	THICKNESS
A	71.00	2111.65	12.00
B	71.00	2111.65	12.00
C	71.00	2111.65	12.00
D	71.00	2111.65	12.00
TOTAL:			48.00

AVERAGE EX GRADE TOTAL PROPOSED TOTAL WALL LENGTH:
48.00 / 121.48 = 24.44%
MAX. H.T. ALLOWABLE:
24.44%
PROPOSED H.T. ELEVATION:
117.00
TOTAL H.T. ALLOW. H.T. LIMIT





- FLOOR PLAN NOTES:**
1. CONTRACTOR SHALL VERIFY ALL NOTES, DIMENSIONS & CONDITIONS PRIOR TO CONSTRUCTION.
 2. EXTERIOR WALLS TO BE 2x8 STUDS @ 16" O.C. UNLESS NOTED OTHERWISE.
 3. PROVIDE SHAW-WALK LUMINATION PER I.E.C. 800.6.4. PROVIDE A VENTED PROHIBITION TO EACH AVAILABLE ROOM.
 4. ALL FOOD LOCATED WITHIN 2' OF EXPOSED CONCRETE SLAB SHALL BE PROTECTED FROM DAMAGE AND REMOVED BY THE CONTRACTOR.
 5. SEE SHEET A4 FOR ALUMINUM SCHEDULE.
 6. SEE SHEET A5 FOR ADDITIONAL NOTES.

AREA SUMMARY

UNIT	UNIT A	UNIT B
UNIT A: MAIN FLOOR	1,008 S.F.	1,008 S.F.
UNIT A: UPPER FLOOR	1,008 S.F.	1,008 S.F.
UNIT A: TOTAL FLOOR AREA	2,016 S.F.	2,016 S.F.
UNIT B: MAIN FLOOR	1,008 S.F.	1,008 S.F.
UNIT B: UPPER FLOOR	1,008 S.F.	1,008 S.F.
UNIT B: TOTAL FLOOR AREA	2,016 S.F.	2,016 S.F.

ALARM SCHEDULE

ALARM	DESCRIPTION	LOCATION
1	SMoke Detector	Living Room
2	Carbon Monoxide Detector	Bedroom

VENTILATION SCHEDULE

VENTILATION	DESCRIPTION	LOCATION
1	Exhaust Fan	Kitchen
2	Exhaust Fan	Bathroom

UNIT 'A' GLAZING SCHEDULE

GLAZING	DESCRIPTION	LOCATION
1	Exterior Door	Living Room
2	Exterior Door	Kitchen

UNIT 'B' GLAZING SCHEDULE

GLAZING	DESCRIPTION	LOCATION
1	Exterior Door	Living Room
2	Exterior Door	Kitchen

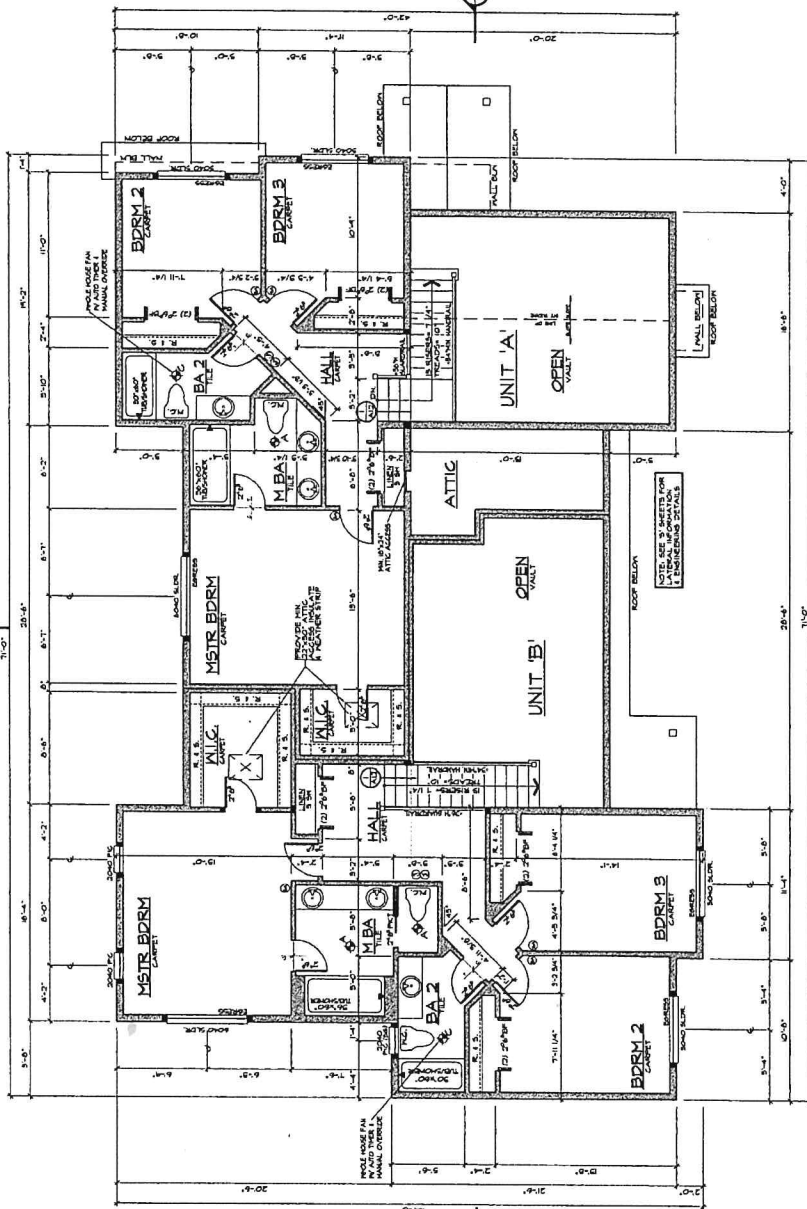
UNIT 'A' VENTILATION SCHEDULE

VENTILATION	DESCRIPTION	LOCATION
1	Exhaust Fan	Kitchen
2	Exhaust Fan	Bathroom

UNIT 'B' VENTILATION SCHEDULE

VENTILATION	DESCRIPTION	LOCATION
1	Exhaust Fan	Kitchen
2	Exhaust Fan	Bathroom

Upper Floor Plan



UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

- FLOOR PLAN NOTES:**
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL WALLS TO BE 5/8" THICK CMU UNLESS NOTED OTHERWISE.
 3. ALL FLOORS TO BE 4" THICK CONCRETE UNLESS NOTED OTHERWISE.
 4. ALL ROOFS TO BE 4" THICK CONCRETE UNLESS NOTED OTHERWISE.
 5. ALL ROOFS TO BE PROTECTED FROM DECAT AS REQUIRED BY IBC.
 6. ALL ROOFS TO BE PROTECTED FROM DECAT AS REQUIRED BY IBC.
 7. ALL ROOFS TO BE PROTECTED FROM DECAT AS REQUIRED BY IBC.
 8. ALL ROOFS TO BE PROTECTED FROM DECAT AS REQUIRED BY IBC.
 9. ALL ROOFS TO BE PROTECTED FROM DECAT AS REQUIRED BY IBC.
 10. ALL ROOFS TO BE PROTECTED FROM DECAT AS REQUIRED BY IBC.
 11. SEE SHEET A4 FOR VENTILATION SCHEDULE.
 12. SEE SHEET A5 FOR ADDITIONAL NOTES.

[illegible]

Andy Chow <kachow@redmond.gov>

To

Colin A. Sherrill Hamid Korasani

CC

Paulette M. Norman

Feb 2 at 4:33 PM

Hamid,

I also confirmed that the 150' driveway separation from local street intersection in the residential area will not be applied. So you don't need a deviation for driveway separation.

For street lighting, the Heather South (formerly Ellsworth) project south of 100th is required to provide street light improvements at 100th/134th intersection. If they go first, you will not be required for street light improvements.

Hope this will help.

Thanks,

Andy



TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

Staff Contacts: Robert G. Odle, Planning Director
(425) 556-2417
Lori Peckol, AICP, Policy Planning Manager, 425-556-2411
Pete Sullivan, Senior Planner, 425-556-2406

Date: May 11, 2012

**File Numbers and
Title:**

Citywide Zoning Code Amendment:

Revise requirements for undergrounding utility distribution lines along public rights-of-way to eliminate applicability to new single family residences on existing lots and remodels or additions thereof. (Project ID: L120153; L120154-SEPA)

**Reasons the
Proposal should be
Adopted:**

The proposed amendment should be adopted because it would:

- continue to require the City and private developers for most applications to relocate aerial utilities underground as directed in the Comprehensive Plan.
- eliminate high cost burdens associated with relocating utility distribution lines underground as part of remodels or additions to existing single family homes or construction of a new home on an existing lot

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

This proposal follows through with 2011 Planning Commission and City Council direction to develop code amendments that exempt minor residential development from requirements to underground utility distribution lines along public rights of way.

Staff initially reviewed undergrounding requirements in response to observations that minor residential development, such as additions or remodels to single family homes, can be burdened with disproportionately high costs due to current Zoning Code requirements relating to utility undergrounding. Typical costs for undergrounding utility distribution lines as part of an addition or expansion to a single family home range from \$30,000-\$65,000 – which can become a relatively large portion of the overall project cost. Another downside to current Zoning Code provisions for utility undergrounding is that it results in incremental undergrounding of existing aerial utilities as development occurs.

In 2011 staff explored three alternative concepts for implementing utility undergrounding policies, with the intent of relieving minor residential development from high cost burdens, and potentially creating a more streamlined mechanism for relocating aerial utilities underground over time, such as undergrounding an entire corridor at once as opposed to the current incremental approach. The three alternatives were as follows:

1. Fund-based, corridor approach.

Single family property owners contribute a pre-determined amount toward funding a future City project that undergrounds frontage utilities along an entire corridor, as opposed to the current incremental effort that undergrounds spans one parcel at a time.

2. Capital program / limited contribution approach

Maintain the incremental approach but increase the City's contribution for undergrounding.

3. Exemption-based approach

Maintain the incremental approach but limit applicability of current requirements to larger developments. Applicants for single family homes would only be required to bury service lines on site and to the utility pole, and Technical Committee would determine whether applicants for short plats would be required to underground distribution lines based on factors that may contribute to mitigation requirements via undergrounding exceeding the level of impact of the proposed development.

The Technical Committee recognized the value of Alternative #1 in generating economies of scale and protecting individual residential property owners from high development

costs. However, the committee ultimately recommended Alternative #3, which also alleviates minor residential development from high cost burdens.

Reasons for not pursuing Alternative #1 included:

- Anticipated difficulty meeting 5-year timeline for expenditures per state law
- Anticipated difficulty aligning CIP projects in areas where funds are collected
- Calculating the amount to be contributed to fund adds complexity
- Low utilization of a relatively complex program - overall coordination required to successfully integrate the fund-based approach is high, however the likely number of instances triggering the program would be low

The Planning Commission endorsed the Technical Committee's recommendation, and suggested that subsequent code amendments aim to clarify what criteria the Technical Committee will use in its case-by-case review of short plats. The City Council confirmed the Planning Commission's recommendation as part of its review of the Utilities Element of the Comprehensive Plan in 2011, and directed staff to propose specific Zoning Code amendments in 2012.

II. RECOMMENDATION

The Technical Committee recommends amending the Zoning Code as shown in Exhibit A.

In summary, this amendment would:

- Revise requirements for undergrounding utility distribution lines along public rights-of-way to eliminate applicability to new single family homes on existing lots and remodels or additions to existing single family homes;
- Still require undergrounding of service lines for remodels or additions of single family homes within the site and connecting to the utility pole;
- Clarify that new single family homes are also subject to the above requirement;
- Clarify the existing mechanism by which the applicant for any type of development proposal may petition the decision maker for relief from undergrounding by relocating those provisions to a new stand-alone section in the Zoning Code.

III. PRIMARY ISSUES CONSIDERED

A. ISSUES CONSIDERED AND ALTERNATIVES

Exemptions for Single Family Residences

The proposed Zoning Code Amendment follows through with Planning Commission and City Council direction from 2011 by exempting new single family homes on existing lots - and additions and remodels to existing single family homes - from undergrounding utility distribution lines along public rights-of-way.

Short Plats

The Technical Committee also considered the Planning Commission's and City Council's 2011 recommendation to consider developing criteria for determining whether short plats be required to underground utility distribution lines. The Committee does not recommend adding such criteria because of the wide range of complexity and scale inherent to short plat development. A single set of criteria identifying conditions under which utility undergrounding is required would not apply equally across all anticipated short plat proposals, based on the range of circumstances experienced with short plats previously reviewed by the City.

Moreover, the Technical Committee observed that existing code provisions allowing the applicant for any development type to petition the decision maker for relief from undergrounding requirements provides an ample mechanism for applicants to make their case as to why a proposal should not be subject to the requirements. The City Attorney confirmed that existing provisions for relief do provide an ample means to 'opt-out,' and in choosing between this approach versus adding new criteria for short plats that risk unequal applicability across typical proposals, the former is advisable.

Lastly, the Technical Committee acknowledged that provisions to petition the decision maker for relief from undergrounding requirements could be improved by relocating that text to the end of Zoning Code Chapter 21.54. This would give the provision a prominent heading in the chapter, reinforcing that that option is available to any development type.

New single family home construction

Consistent with Planning Commission and City Council direction, attached code amendments still require new single family homes and additions and remodels to single family homes (above a certain threshold) to relocate service lines on site. But, due to the manner in which the applicable Zoning Code section is written, removing new single family homes from requirements to underground distribution lines (per RZC 21.54.020(B)(1)), it becomes less clear whether new single family home construction would then need to bury service lines on site (it is clearer for additions and remodels).

The proposed code amendment therefore includes a revision to the portion of the Zoning Code dealing with undergrounding of service lines (RZC 21.54.020(B)(2)), to clarify that new single family home construction is included in the requirement to bury service lines.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

Redmond's Comprehensive Plan (UT-14; UT-15) directs the City and private developers to relocate new and existing utility distribution and services lines underground to promote aesthetics; safety and security; and environmental quality. This is currently implemented through cost-sharing with private utilities for public projects, and by requiring individual property owners to cover the full costs of undergrounding utilities associated with private development (RZC 21.54 – *Adequate Public Facilities and Undergrounding of Utilities*).

B. COMPLIANCE WITH CRITERIA FOR CODE TEXT AMENDMENTS

RZC 21.76.070(FF) provides that all amendments to the Redmond Zoning Code must be consistent with the Redmond Comprehensive Plan. The following is an analysis of how this proposal complies with the requirements for code text amendments.

1. Consistency with the Redmond Comprehensive Plan

The proposal supports continued implementation of existing policies UT-14 and UT-15 for most development in Redmond. The amendment protects developers of minor residential development - new single family residences on existing lots and additions and remodels thereof - from being burdened with disproportionate costs.

An anticipated outcome of this amendment is that it will take longer to underground all overhead utility lines in the City and some utility lines may never be undergrounded. This has some impact on the aesthetic character of Redmond. However, the proposal supports the City's policies for housing and economic vitality. Policy EV-11 directs the City to provide development regulations that support a variety of housing styles, densities, sizes and prices to encourage housing for local workers as well as to increase the attractiveness of Redmond so that job-seekers are attracted to Redmond for future employment.

Policy HO-11 encourages similar improvements to Redmond's housing stock, but for the benefit of residents across a span of ages, family sizes and life stages. Examples include smaller or detached housing units, or homes with ground floor master suites or living areas on one floor.

The proposal also implements EV-11 and HO-11 by reducing potential financing barriers to single family residential development, which could beautify Redmond's built environment and retrofit existing housing to accommodate a broader range of housing needs.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

Redmond Zoning Code (RCZ) chapter 21.76 requires that amendments to the Zoning Code be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed Zoning Code Amendment.

C. Washington State Environmental Policy Act (SEPA)

A SEPA checklist was prepared on April 27, 2012, and is currently under review. A Determination of Non-Significance is anticipated, and will be available for review upon completion.

D. 60-Day State Agency Review

State agencies received 60-day notice of this proposed amendment on May 11, 2012.

E. Public Involvement


The Planning Commission will receive oral and written testimony as part of a public hearing scheduled for May 30, 2012. Staff notified known stakeholders regarding the proposed amendment.

F. Appeals

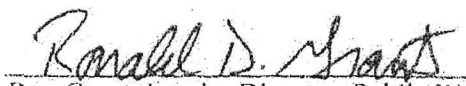
RZC 21.76 identifies Zoning Code Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements

VI. LIST OF EXHIBITS

Exhibit A: Proposed Zoning Code Amendment – RZC 21.54: Adequate Public Facilities and Undergrounding of Utilities


Robert G. Odle, Director of Planning and
Community Development

5/11/12
Date


Ron Grant, Interim Director, Public Works

5/11/12
Date